

असाधारण EXTRAORDINARY भाग II—खण्ड 2

PART U-Section 2
प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 24th July, 1998:—

BILL NO, V of 1998

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. The Act may be called the Representation of the People (Amendment) Act, 1998.

2. In section 29A of the Representation of the People Act, 1951, after subsection (5) the following provisos shall be inserted namely:

"Provided that the memorandum or rules and regulations of the association or body by whatever name called, shall not contain any provision,—

(a) imposing restriction on any of the freedom guaranteed to its members under article 19 of the Constitution;

(b) regarding suspension or expulsion of any member from the membership unless the member does anything in contravention of the Constitution of India or is convicted for involvement into corrupt practices or any other electoral offence under this Act or convicted of an offence punishable under,—

Short title.

Amendment of section 29A of Act 43 of 1951.

- (i) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or subsection (1) or sub-section (2) of section 376 of section 376B or section 376C or section 376D (offence relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such satement in any place of worship or in any assembly engaged in the performance of religious workship or religious ceremonies) of the Indian Penal Code (45 of 1860); or
- (ii) the protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or
- (iii) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or
- (iv) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or
 - (v) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or
 - (vi) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or
- (vii) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or
- (viii) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act; or
- (ix) section 6 (offence of conversion of a Place of worship) of the Places of Worship (Special Provisions) Act, 1991 (42 of 1991):

STATEMENT OF OBJECTS AND REASONS

All political parties in the country have framed their rules and regulations setting out their principles and policies at the time of their inception. However, political parties have not so far incorporated necessary changes in their rules or regulations as required under section 29A of the Representation of the People Act, 1951 which clearly stipulates that all political parties should bear true faith and allegiance to the Constitution of India as by law established. Surprisingly, many political parties still have provisions in their rules and regulations to suspend or expel any member arbitrarily and impose restrictions on its member's speech and expression guaranteed under article 19(1)(A) of the Constitution of India.

Since there is no mechanism to check the political parties to desist from violating the fundamental rights of its members, almost all political parties are blatantly violating provisions of the Constitution and there are many instances of members being suspended or expelled for exercising their freedom of speech and expression as guaranteed under atricle 19(1) (A) of the Constitution. Therefore, no political party should impose any curbs on the freedom of speech and expression of their members.

There is an urgent need to define and clearly specify the circumstances under which a political party can expel or suspend its member. Therefore to put limitation on the power of political parties to expel or suspend on frivolous/extreneous grounds, it has been provided in the proposed legislation that a member can only be expelled or suspended it he does something in violation of the Constitution or convicted of any corrupt practices or convicted of any grievious offences under various penal Acts such as Indian Penal Code, FERA, Narcotic Drugs and Psychotropic Substances Act etc.

Similarly, the parties should also be prevented from imposing restrictions on the Fundamental rights of their members as guaranteed under article 19 of the Constitution.

Hence this Bill.

MOHAN BABU.

R.C. TRIPATHI, Secretary-General.